

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

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CIVIL ACTION NO. 04-01486-RWZ
U.S. DISTRICT COURT
DISTRICT OF MASS.

GENERAL ELECTRIC MORTGAGE
INSURANCE CORPORATION,

Plaintiff,
Judgment Creditor,

v.

CHI CHEN
A/K/A CHI CHEN HU,
A/K/A TRACY CHEN,

Defendant
Judgment Debtor.

LOCAL RULE 16.1 STATEMENT

This Court notified General Electric Mortgage Insurance Corporation ("GEMIC") on October 15, 2004 of a scheduling conference to be held on November 3, 2004.

In response and compliance, GEMIC delivered notice of the scheduling conference to defendant Chi Chen a/k/a Chi Chen Hu a/k/a Tracy Chen ("hereinafter Tracy Chen") c/o AVXING, Inc., 9F, No. 339, Tun-Hwa S. Road, Sec. 1, Ta-An District, Taipei 106, Taiwan. On October 18, 2004, GEMIC notified interested party Ching Yee M. Tsui ("Tsui") in writing of the date and time of the scheduling conference. A Tsui counsel advised GEMIC in writing on October 22, 2004 no counsel on behalf of Tsui would file documents or papers in response to the October 15, 2004 order as Tsui is not a "party". A new Tsui lawyer, Michael B. Feinman, Esquire, advised GEMIC he is taking the file over and that he will appear at the scheduling

conference but will not file documents in response to the October 15, 2004 Scheduling Conference Order as Tsui is not a “party.”

Counsel Conference

On October 22, 2004, Richard W. Gannett, counsel for the plaintiff, conferred with Michael B. Feinman, Esquire (“Atty. Feinman”) who identified himself as the new attorney representing Ching Yee M. Tsui to discuss the Scheduling Conference agenda. Atty. Feinman stated Tsui would not submit documents in response to the scheduling conference order as his client, Tsui, is not a “party” to the lawsuit but that he would physically be present at the Court hearing on November 3, 2004.

Agenda Of Matters To Be Discussed At Scheduling Conference

GEMIC believes the following matters should be discussed: Tsui’s motion to quash (also requesting sanctions), GEMIC’s opposition to said motion of Tsui, GEMIC’s contemplated motion for turnover of attached monies funds, the non-appearance of Ching Yee M. Tsui at a duly noticed deposition on Wednesday, September 22, 2004, Tsui’s non-participation in a written portion as contemplated by the Scheduling Conference order.

Settlement Proposals

GEMIC communicated a \$300,000.00 demand to Atty. Feinman on October 22, 2004. The demand contemplated delivering releases to the following individuals: Ching Yee M. Tsui, Chi Chen and Cheng- Yih Hu. (Chi Chen is the first wife of Cheng Yi Hu. Ching Yee M. Tsui is the second wife of Cheng Yih Hu.)

Nature of the case.

GEMIC seeks satisfaction of a Massachusetts money judgment against Chi Chen. Chi Chen has never answered the complaint. GEMIC believes that Chi Chen has actual notice of the complaint.

Discovery Plan

Rule 26(a)(1) initial disclosures served by December 15, 2004;

Rule 12 motions served by January 1, 2005

Written discovery served by March 1, 2005

Depositions, except experts, completed by July 1, 2005

GEMIC's expert disclosures pursuant to Rule 26(a)(2)(B) completed by September 1, 2005

Chi Chen's expert disclosures pursuant to Rule 26(a)(2)(B) completed by October 1, 2005.

Expert depositions completed by November 1, 2005.

Rule 56 motions filed by December 15, 2005.

Pretrial conference to be scheduled for a date convenient to the Court thereafter.

Other matters.

GEMIC, through counsel, confirms that GEMIC and its counsel have conferred with a view to establishing a budget for the costs of conducting the full course – and various alternative courses of the litigation; and (b) to consider the resolution of the litigation through the use of alternative dispute resolution programs such as those outlined in Local Rule 16.4.

GEMIC does not consent to trial by Magistrate Judge.

General Electric Mortgage Insurance Corporation,
Plaintiff/Judgment Creditor,
By its attorney,

Richard W. Gannett, Esquire
BBO #184430
Gannett & Associates
165 Friend Street, Suite 200
Boston, MA 02114-2025
(617) 367-0606

Dated: October 28, 2004

CERTIFICATE OF SERVICE

I, Richard W. Gannett, hereby certify that on October 28, 2004, I served a copy of the Local Rule 16.1 Statement upon the following individual, by U.S. Mail, postage prepaid:

Michael B. Feinman, Esq.
23 Main Street
Andover, MA 01810

Richard W. Gannett